

Timothy Jackson,

Plaintiff,

v.

Laura Wright, Milton B. Lee, Melisa Denis, Mary Denny, Daniel Feehan, A.K. Mago, Carlos Munguia, and G. Brint Ryan, each in their official capacities as members of the Board of Regents for the University of North Texas System; **Rachel Gain; Ellen Bakulina; Andrew Chung; Diego Cubero; Steven Friedson; Rebecca Dowd Geoffroy-Schwinden; Benjamin Graf; Frank Heidlberger; Bernardo Illari; Justin Lavacek; Peter Mondelli; Margaret Notley; April L. Prince; Cathy Ragland; Gillian Robertson; Hendrik Schulze; Vivek Virani; and Brian F. Wright**, Defendants.

Case No. 4:21-cv-00033-ALM

**[PROPOSED]
ORDER ON
MOTIONS FOR SUMMARY JUDGMENT**

The Court, having reviewed Plaintiff Timothy Jackson's Motion for Summary Judgment As to Liability for Defamation (ECF No. 80) and his supporting record appendix (ECF No. 82) as well as the Defamation Defendants' Motion for Summary Judgment (ECF No. 83), the Board Defendants' Motion for Summary Judgment (ECF No. 84.) and all evidentiary record appendices (ECF No. 83-2, 84-2), and Plaintiffs consolidated Opposition to Defendants' Motions for Summary Judgment (ECF No. 88) and the accompanying record appendix (ECF No. 89), the Court hereby ORDERS as follows:

The Court holds that Professor Jackson is and was a private individual defamed by the Individual Defendants and that the context of the Individual Defendants' defamatory statements indicate that Professor Jackson was their direct target. The Defendants' proffered affirmative

defense of “opinion” would collapse of any distinction between speaking and doing, a distinction rooted both in the common sense of any reasonable person as well as in well-established constitutional law.

The Court therefore DENIES the Defamation Defendants’ Motion for Summary Judgment in its entirety and enters summary judgment for the Plaintiff Timothy Jackson based on undisputed facts of his defamation, with liability to be proved at trial.

Further, the Court DENIES the Board Defendants’ Motion for Summary Judgment and hereby ORDERS Professor Jackson’s First Amendment retaliation claim to be docketed for trial.

It is so ORDERED,